

**UNITED STATES GOVERNMENT
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 27**

ROYAL CREST DAIRY, INC.

Employer,

and

Case 27-RC-8290

UNITED FOOD AND COMMERCIAL
WORKERS, LOCAL NO. 7, AFL-CIO,

Petitioner.

DECISION AND DIRECTION OF ELECTION

On October 29, 2003, United Food and Commercial Workers Union, Local No. 7, AFL-CIO, filed a petition under Section 9(c) of the National Labor Relations Act seeking to represent certain employees employed in the Employer's Farm Crest Dairy Stores. Barbara D. Josserand, a hearing officer of the National Labor Relations Board conducted a hearing on November 12 and 13, 2003. Following the hearing, the parties filed briefs.

The issues to be resolved in this case relate to the appropriate scope of the unit and the supervisory status of the store managers and store co-managers. The Petitioner seeks to represent a multi-store unit consisting of all the stores in the Denver Metropolitan Area. The Employer contends that the petitioned-for unit is not appropriate and that a separate election must be directed in each individual store. With regard to the supervisory status issue, the Petitioner contends, contrary to the Employer, that the store managers and co-

managers are not statutory supervisors because, while they “perform some supervisory functions such as hiring, firing, and discipline, performance of those functions only occur[s] a small percentage of their work weeks.”¹

I conclude for the reasons enunciated below that the petitioned-for multi-store unit is an appropriate unit. I also concluded that the Employer has met its burden of establishing that the store managers and co-managers are statutory supervisors. Accordingly, I shall exclude them from the unit.

Under Section 3(b) of the Act, the Board has delegated its authority in this proceeding to me. Upon the entire record in this proceeding, I find:

1. The hearing officer’s rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The parties stipulated, and I find, that the Employer is engaged in commerce within the meaning of section 2(6) and (7) of the Act and that it is subject to the jurisdiction of the Board. Specifically, I find that the Employer is a Colorado corporation with its corporate headquarters located in Denver, Colorado. The Employer is engaged in the wholesale and retail distribution of dairy products in various Colorado cities, including the Denver and Colorado Springs metropolitan areas. With regard to the Employer’s retail operations, the record establishes that it operates nine convenience store/gas stations in the Denver Metropolitan Area that operate under the name Farm Crest Dairy Stores.²

During the past twelve months, the Employer derived gross revenues valued in excess of

¹ See Petitioner’s post-hearing brief at page 7.

² The only Farm Crest Dairy Stores at issue in this matter are those in the Denver Metropolitan Area, which the Employer has organizationally separated from the Colorado Springs stores. The Petitioner does not

\$500,000 and purchased and received at its Colorado facilities goods or materials valued in excess of \$5,000 directly from points and places located outside the State of Colorado.

3. The parties stipulated, and I find, that Petitioner is a labor organization within the meaning of Section 2(5) of the Act.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.

5. It is appropriate to direct an election in the following unit of employees:³

INCLUDED: All employees employed by the Employer at its Farm Crest Dairy Stores located in the Denver Metropolitan Area.

EXCLUDED: All guards, store managers, store co-managers and other supervisors as defined by the Act.

STATEMENT OF THE CASE

A. Background

As noted, the Employer's operation includes both a dairy delivery operation and the Farm Crest Dairy Milk Stores at issue in this case. The Employer initially established the Farm Crest Milk Store name to differentiate between its home delivery operations under the Royal Crest Dairy name and its retail outlets. There are nine Farm Crest Milk Stores in the Denver Metropolitan Area. The nine Denver Metropolitan Area stores are located as close as 2 miles apart to as far as 25 miles apart. All of the stores are open

seek to represent the Farm Crest Dairy Stores in the Colorado Springs area, nor does the Employer place those stores at issue herein.

from 6:00 a.m. to 10:00 p.m. Monday through Saturday and 7:00 a.m. to 9:00 p.m. on Sunday.

The principle products sold at each store are dairy products of the Employer, other grocery and household items, and gasoline. The Denver Metropolitan Area stores vary in size, community demographics, and sales volumes. Accordingly, some stores carry more of certain types of merchandise than other stores. For instance, not all stores have a car wash and not all stores sell propane and kerosene. Similarly, not all stores carry diesel fuel. Some stores offer pay-at-the-pump options and others require fuel purchases to be made in the store. Some stores sell bait and fishing equipment. Some stores carry bake-off bakery products and deli items requiring some food preparation and other stores do not.

B. Organizational structure

Jack Rowland is the vice president in charge of operations for Royal Crest Dairy and Farm Crest Milk Stores. Reporting to Rowland is senior manager, Bob Harrolson, who has responsibility for operations of the dairy production plant, the Farm Crest Milk Stores, the transportation department, and safety/risk management. Bob Paxton is the Farm Crest Stores operations manager for the Denver area and Colorado Springs area stores. Paxton reports directly to Harrolson. Reporting to Paxton are the Denver area store supervisor and the Colorado Springs area store supervisor.

The current Denver area supervisor position is open, but Cecelia Weldon is the acting Denver area supervisor. She has been acting Denver area supervisor since about

³ At the hearing, the Petitioner expressed its willingness to proceed to an election in any unit found appropriate.

six weeks before the hearing. Prior to that, she was the Colorado Springs area supervisor. Weldon spends much of her time traveling between the Denver area stores. In this regard, she attempts to visit each store in the Denver area daily or a minimum of several times a week and during such visits consults with the store manager or co-manager regarding daily operations and reports, stocking levels, promotional displays, sales volumes, cleanliness and customer service issues. Weldon is responsible for retrieving the so-called “daily cash report” from each store. These reports include a breakdown of sales for each department including lottery, dairy, ice cream, soda, gasoline, etc. The report also lists sales according to credit card, cash and food stamps; employee charges subject to payroll deduction; and cash deposits. Vendor bills are also attached to the report for any merchandise delivered directly to the store by the vendor.

Each of the nine store managers or co-managers report directly to Weldon. Reporting directly to the store managers and co-managers are the stockers, clerks, shift managers, and assistant managers in their respective stores.⁴ The record evidence indicates that there is no difference in the supervisory authority conferred on the store managers and co-managers, but the co-managers are essentially in training to become actual store managers and generally require more assistance from the area supervisor in performing their supervisory duties over the stockers, clerks, shift managers, and assistant managers in their respective stores. The supervisory status of the managers and co-managers will be discussed more fully below. In addition to their supervisory

⁴ The parties stipulated, and I concur, that any unit or units found appropriate herein should include all of the stockers, clerks, shift managers, and assistant managers. They also expressly stipulated that the so-called “shift managers” and “assistant managers” do not have or exercise any supervisory indicia.

responsibilities in their respective stores, the store managers are responsible for all the day-to-day operations of their stores including making sure that all of the store opening and closing procedures are followed; making sure that the store is properly staffed; and ordering all the stock and supplies for the store. The store managers, or co-managers in stores which do not currently have a store manager, perform weekly nighttime inspections of their stores to ensure that proper procedures are being followed in their absence. The store managers also are responsible for preparing and submitting the daily cash reports to the Denver area store supervisor.

The store manager for Store 10 is Monica Hernandez. She has held this position for about two years and currently has four employees working under her direction.

Store 11 does not have a store-manager but is overseen by co-manager Steven Johnson. Johnson has recently returned from active military duty and is being retrained to become an actual store manager which was the position he held before he was called up to active duty. Johnson has seven employees under his direction. This store also has a line of merchandise unique to it called the Cinnamon Street Bakery.

The store manager for Store 12 is Robin Mendez. She has four employees under her direction. Mendez has been a store manager for approximately five years. She also is the Denver area relief supervisor, which involves assisting the Denver Metropolitan Area supervisor in picking up the daily cash reports from the stores when the area supervisor is unavailable to do so and on Saturdays. She also is the trainer for the nine Denver area stores. In this regard, all employees hired for the Denver area stores report first to Store 12 for three to four six-hour days of training by Mendez before they report to the store for which they were hired.

The store manager for Store 13 is Herman Grigsby. He has worked for the Employer for about four years, although it is unclear how long he has been a store manager. Grigsby has eight employees under his direction.

The store manager for Store 14 is Brenda Irish. She has eleven employees under her direction, including a co-manager who works opposite shifts from Irish. Store 14 is the largest store and includes certain unique services including an ice cream parlor, propane and kerosene tanks, fishing tackle and bait, and a lessee Pizza vender called the Garlic Knot.

The store manager for Store 15 is Cery Villa. She has worked for the Employer for about a year. She has four employees under her direction.

Store 16 currently does not have a store manager, so the store is overseen by co-manager Carrie Miller. Miller has worked for the Employer for about two years and currently has four employees under her direction.

The store manager for Store 17 is David Holguin. He has held this position for about a year. He has four employees under his direction.

The store manager for Store 18 is Reza Miri. Miri has been with the Employer for approximately a year and currently has five employees under her direction.

C. Supervisory status of managers and co-managers

1. Facts

Contrary to the Petitioner, the Employer contends that the store managers and co-managers are statutory supervisors. The Employer called acting Denver Metropolitan Area supervisor Weldon and Store 12 manager Robin Mendez to testify about this issue. The

Petitioner did not call any witnesses in this proceeding, but relied on the testimony of the Employer witnesses.

The testimony of Weldon and Mendez establishes that the store managers⁵ are responsible for the day-to-day functioning of their respective stores, including matters relating to the supervision of the store employees. The store managers order merchandise and supplies for their respective stores from a catalog called the McLean Guide. They also have dairy order sheets to order products from the Employer's dairy. These forms are modified by the store managers to fit their store's specific product needs. While the prices for all products are set at the corporate level, the store managers have complete discretion to reduce prices of perishable products if they deem it necessary to avoid spoilage.

The store managers are given a monthly budget by the area supervisor based on current sales and historical sales from which the area supervisor calculates projected sales. The store managers write the weekly schedule for their store's hourly employees within the framework of the labor budget. Scheduling for the stores is affected by the classifications of employees within the store since the stockers, clerks, shift managers and assistant managers have progressively higher wage rates. Thus, the store managers have discretion to decide which employee will be scheduled to work whatever shifts the store manager believes will provide the necessary coverage and skill level. In this regard, the store managers also decide how many fulltime and

⁵ Hereinafter, references to "store manager" should also be read to include "co-manager" since the uncontroverted testimony of these two witnesses establishes that the store managers and co-managers have and exercise the same level of authority.

parttime employees their store needs for best coverage. If a store manager exceeds its labor budget in one week that manager will make it up by cutting back the hours of the unit employees the next week.

When a store has a job opening, the store manager posts a help-wanted sign for whatever time period the manager deems necessary to have the best pool of applicants. If the store manager has an applicant he believes is promising, he can stop taking applications immediately. The store managers review all applications and select employees for interview. Prior to calling the applicants in for interview, the store manager checks all the references listed on the application. If the references check out, the store manager conducts initial interviews. If the store manager determines that the applicant should not be hired based upon the initial interview, the applicant receives no further consideration. If the store manager determines that the applicant should be hired, the store manager usually arranges a second interview with the applicant and the Denver Metropolitan Area supervisor. (This second interview is occasionally skipped if the Denver Metropolitan Area manager is unavailable or for more experienced managers, such as Mendez.) Of the last eleven applicants recommended for hire by store managers, the area supervisor has only rejected two and those rejections were based upon the fact that they were former employees who had previously been discharged for theft.

While the Denver Metropolitan Area supervisor approves hiring recommendations, no such approval is necessary for decisions to discipline and discharge employees. The testimony establishes that the store managers have and exercise this authority. They may discuss the termination with the area supervisor before terminating the employee, but are not required to do so and sometimes only inform the area supervisor after terminating the

employee. Mendez specifically testified that she has terminated five or six employees during her tenure as store manager without receiving prior approval.

The store managers also prepare written evaluations for their employees and meet with the employees to give them their evaluations at prescribed periods of time, including after the first three months of employment. Mendez testified that it takes her about two hours to prepare each written evaluation and the meetings with each employee last 30 to 45 minutes. Following these evaluations, the written form is given to the area supervisor with a wage increase recommendation. The area supervisor in turn goes over the evaluation with operations manager Paxton, who decides on the actual amount of the wage increase. Mendez testified further that her wage rate recommendations are “usually” followed, but there have been times when she thought an employee deserved a higher raise than Paxton awarded.

The store managers are responsible for assigning specific tasks to the employees in their store including stocking, cleaning, and customer service duties. They also are required to perform weekly surprise nighttime inspections of their stores to make sure the employees are following proper procedures when the manager is absent from the store. These surprise inspections involve checking store cleanliness, stock conditions, temperatures on the coolers, making sure the scheduled employees do not have too much money in their cash drawer which poses a safety risk, and ensuring that the lights are working properly and that the employees are following other basic operational procedures. The store managers take appropriate disciplinary action if they find that procedures are not being followed.

Finally, the store managers are paid a salary and required to work 50 hours a week, unlike the other store employees. They also are entitled to receive monthly bonuses based on the bottom line performance of their store. The hourly employees do not receive such bonuses. The store managers also wear uniforms consisting of dress shirts with bowties for women and neckties for men, while the hourly employees wear vests and smocks. The store managers are identified on their name tags by their full name and the title “store manager,” while hourly employees are only identified by their first name on their name tags.

2. Analysis and Conclusions

In **NLRB v. Kentucky River Community Care**, 532 U.S. 706 (2001), the Supreme Court affirmed the Board's long-standing holdings which place the burden of proving supervisory status upon the party who claims that such status exists. *Id.* at 710-712. I conclude that the Employer has met its burden of establishing that the store managers and co-managers are statutory supervisors. In this regard, Section 2(11) of the Act defines a supervisor as:

Any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

This section is read in the disjunctive, and an individual need only possess one of the enumerated authorities to render that individual a supervisor. **KGW-TV**, 329 NLRB 378 (1999); **Providence Hospital**, 320 NLRB 717 (1996).

The record is replete with evidence that the store managers and co-managers have and exercise the authority to select applicants for interview, effectively make recommendations for hire of specific employees; and discipline and discharge employees without seeking prior approval of the area supervisor.⁶ As noted above, the existence of even one of the criteria cited in Section 2(11) of the Act is sufficient to find an individual to be a statutory supervisor. The record in this matter clearly establishes that the store managers and co-managers have and routinely exercise such authority. The Petitioner concedes the existence of this supervisory authority in its post-hearing brief, but argues that because the store managers and co-managers spend much of their time performing the same stocking, clerking, cleaning duties as the employees they supervisor, they should be included in the employee unit. This argument is at odds with the clear language of Section 2(3) of the Act, which specifically excludes any individual employed as a supervisor from the definition of the term “employee.” Accordingly, I shall exclude the store managers and co-managers from the unit.

D. Scope of Unit

In determining whether a petitioned-for multifacility unit is appropriate, the Board evaluates the following factors: Centralized control of management and supervision; employee skills, duties, and terms and conditions of employment; functional integration and employee interchange; geographic proximity, and bargaining history. See, e.g. **Bashas’ Inc.**, 337 NLRB No. 113 (2002). With regard to the last two factors, as noted above, the Petitioner seeks to represent all the employees in the Denver Metropolitan Area stores that

⁶ Included in this evidence is voluminous documentary evidence of disciplinary actions and evaluations of employees independently issued by the store managers.

are geographically separated by distances from 2 to 25 miles. The organizational separation accorded the Denver Metropolitan Area is demonstrated by the fact that this area has its own supervisor who oversees the operation of these stores. There is no bargaining history in the petitioned-for unit. The other factors will be addressed immediately below.

1. Centralized control of management and supervision

The store managers have some autonomy in the operation of their stores, including matters relating to the direct supervision of the store employees. Notwithstanding that autonomy, the record establishes that there is also a significant amount of control over the store operations from the corporate level. In this regard, employees are all subject to the rules and procedures set forth in the Employer's handbook and established at the corporate level. All merchandise prices are set by the merchandising manager from the corporate office. The store managers also order all of their products and supplies from the McLean guide and Employer's dairy division, which includes the corporate approved product lines.

The employee personnel files are also stored and maintained at the corporate office. The only employee record actually kept at the store is emergency contact information including the employee's name, address, phone number, and contact information.

Finally, all of the Denver Metropolitan Area store managers attend a meeting with the area supervisor every other Monday at the corporate office. These meetings are where the area supervisor informs the store managers about upcoming product changes or seasonal promotions and displays such as eggnog for the upcoming season. The store

managers receive the promotional materials such as signs and stickers for these promotions at these bi-weekly meetings. The store managers also discuss sales volumes, staffing concerns, and any other issues the managers wish to discuss.

2. Employee skills, duties, and terms and conditions of employment

As noted, the unit employees in all of the stores are classified as either stocker, clerk, shift managers, and assistant managers. Job descriptions and pay scales for each of these classifications are established at the corporate level, and, in fact, all pay raises must be approved by Operations Manager Paxton. The unit employees also enjoy benefits established at the corporate level including medical insurance and a pension.

The record evidence also shows that all newly hired employees are trained for three to four, six-hour shifts in Store 12 before reporting to the store at which they applied and were hired. These employees also attend new employee orientation and training at the corporate office before receiving their Store 12 training. The new employee orientation includes review of the policies and procedures in the Employer's handbook and sanitation training.

3. Functional integration and employee interchange

With regard to integration between the stores, the evidence establishes that the store managers regularly share products with other stores if a particular store is short on specific items. The managers call around to other stores to locate excess product and then the store managers pick up the product themselves or, if possible, arrange with the area supervisor to deliver the product when she is making her rounds of the stores.

The record also establishes that there is temporary interchange of employees between the stores. In that regard, if an employee calls in sick and the store manager is

unable to find one of that store's employees to work, the store manager calls around to other stores to see if any employees want to pick up the hours. The record does not indicate how frequently this occurs. Acting Denver Metropolitan Area Supervisor Weldon was also aware of one employee recently requesting and receiving a permanent transfer to a store closer to her home because of snowy weather. Since Weldon was previously area supervisor for Colorado Springs, she was unaware of other permanent transfers.

4. Analytical framework

The Employer argues that the petitioned-for multistore unit is inappropriate, based on the Board's longstanding holdings that a single facility is presumptively appropriate, and further argues that the only appropriate unit would consist of each individual store. In support of this assertion, the Employer cites a series of cases, including **Red Lobster**, 300 NLRB 908 (1990), and **Renzetti's Market**, 238 NLRB 174 (1978), for the proposition that the single facility presumption can only be rebutted by showing "that the day-to-day interests of the employees at the single location have merged with those of the employees at the other locations." The Employer correctly notes that the Board analyzes these cases on the basis of factors such as similarity in employee skills, duties, and terms and conditions of employment, employee interchange, geographic proximity and centralized control of management and supervision. However, I find that line of cases inapposite to the issue presented herein. Specifically, those cases turn on whether, due to asserted functional integration of multistore operations, the **only** appropriate unit was a multistore unit. In those matters, the Board found that the single store presumption had not been overcome. In the case at hand, the Petitioner is seeking a multistore unit. Thus, the issue becomes whether such a multistore unit is **an** appropriate unit, as the Board has long held

that the unit for bargaining be appropriate, not that it be the only appropriate unit, or the ultimate unit, or most appropriate unit. **Bartlett Collins Co.**, 334 NLRB No. 76 (2001); **Overnite Transportation Co.**, 322 NLRB 723 (1996); and **Hamilton Test Systems**, 265 NLRB 595 (1982).

The Employer's reliance on the single facility presumption also ignores the Board's holdings in cases involving retail chain stores such as **Haag Drug Co.**, 169 NLRB 877 (1968), in which the Board stated that a group of retail stores could also constitute an appropriate bargaining unit if there were a sufficient degree of geographic coherence and common interests of the employees in the stores.⁷ Thus, while single store units in the present matter may be appropriate, the Petitioner does not seek to represent employees in single store units so the issue herein is whether the multistore unit as defined by the Petitioner is an appropriate unit.

3. Analysis and Conclusions

Based on the foregoing, I conclude that the Petitioner is seeking to represent employees in an appropriate multistore unit, and I shall direct an election in a unit consisting of all nine Denver Metropolitan Area stores. In this regard, the Petitioner seeks to represent all of the stores organized by the Employer into a distinct geographic grouping. As noted, the Employer does not contend that this is not an appropriate geographic grouping, but, rather, based its arguments about individual store autonomy,

⁷ See e.g., **Bashas' Inc.**, 337 NLRB No. 113 (2002), in which the Board reversed the Regional Director's decision finding a multistore unit consisting of all the Food City stores in Maricopa County appropriate, on the basis that it was "an arbitrary grouping of employees." Similarly, in **Acme Markets, Inc.**, 328 NLRB 1208 (1999), the Board reversed a Regional Director's decision finding three separate statewide bargaining units of pharmacists in Pennsylvania, Delaware and Maryland to be appropriate concluding that the only appropriate unit was a four-state unit including New Jersey because there was "no administrative structure corresponding to the three separate statewide units found appropriate by the Regional Director." Id at 1209.

contends that the only appropriate units are single-store units. Moreover, the integration of the Denver Metropolitan Area stores is demonstrated by the fact that these stores regularly share product with one another; use each other's employees in emergency situations; attend common management meetings; have common new employee orientation sessions; and have common training in Store 12. Accordingly, I find that the petitioned-for unit is an appropriate multistore unit, notwithstanding that individual store units might also be appropriate.

There are approximately 51 employees in the unit found appropriate.

Direction of Election

An election by secret ballot shall be conducted by the Undersigned among the employees in the unit found appropriate at the time and place set forth in the Notice of Election to issue subsequently, subject to the Board's Rules and Regulations.⁸ Eligible to vote are those in the Unit as described above who are employed by the Employer during the payroll period ending immediately preceding the date of this Decision and Direction of Election, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such a strike who have retained their

⁸ Your attention is directed to Section 103.20 of the Board's Rules and Regulations. Section 103.20 provides that the Employer must post the Board's Notice of Election at least three full working days before the election, excluding Saturdays and Sundays, and that its failure to do so shall be grounds for setting aside the election whenever proper and timely objections are filed.

status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Those in the military services of the United States Government may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by:

UNITED FOOD AND COMMERCIAL
WORKERS, LOCAL NO. 7, AFL-CIO

List of Voters⁹

In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties in the election

⁹ Based on an administrative showing of interest check, I have determined that the Petitioner has provided a sufficient showing of interest

should have access to a list of voters and their addresses, which may be used to communicate with them. **Excelsior Underwear Inc.**, 156 NLRB 1236 (1966); **NLRB v. Wyman-Gordon Co.**, 394 U.S. 759 (1969); **North Macon Health Care Facility**, 315 NLRB 359 (1994). Accordingly it is hereby directed that within seven (7) days from the date of this Decision, two (2) copies of an election eligibility list containing the full names and addresses of all the eligible voters shall be filed by the Employer with the Undersigned, who shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the Regional Office, National Labor Relations Board, 700 North Tower, Dominion Plaza, 600 Seventeenth Street, Denver, Colorado 80202-5433 on or before **December 16, 2003**. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

Right to Request Review

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision and Direction of Election may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, NW, Washington, DC 20570. The Board in Washington must receive this request by **December 23, 2003**. In accordance with Section 102.67 of the Board's Rules and Regulations, as amended, all parties are specifically advised that the Regional Director will conduct the election when scheduled, even if a request for review is filed, unless the Board expressly directs otherwise.

Dated at Denver, Colorado this 9th day of December 2003.

B. Allan Benson, Regional Director
National Labor Relations Board, Region 27
600 Seventeenth Street
700 North Tower, Dominion Plaza
Denver, Colorado 80202-5433

440-8350-6750

460-7550-8700